IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

WP(C).No. 28428 of 2007(H)

PETITIONER:

RAMACHANDRAN NAIR, AGED 41 YEARS,
S/O.SEKHARAN NAIR, LAKSHMI MANGALATH HOUSE,
NEMOM P.O., NEYYATTINKARA, THIRUVANANTHAPURAM
DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY SECRETARY
TAXES(A) DEPARTMENT, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE EXCISE COMMISSIONER,
COMMISSIONERATE OF EXCISE,
THIRUVANANTHAPURAM.

3. THE ASST.EXCISE COMMISSIONER,
EAST FORT, THIRUVANANTHAPURAM.

4. THE CIRCLE INSPECTOR OF EXCISE,
NEYYATTINKARA, THIRUVANANTHAPURAM.

5. THE WELFARE FUND INSPECTOR,
KERALA TODDY WORKERS WELFARE FUND BOARD,
ULLOOR, THIRUVANANTHAPURAM.

R1 TO R4 BY GOVT.PLEADER SMT. ANU SIVARAMAN.
R5 BY SC SRI. RENIL ANTO.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/09/2007, ALONG WITH W.P.C. 28471/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) Nos. 28428 & 28471 of 2007

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Dated this the 28th day of September, 2007

JUDGMENT

Common questions arise in these two writ petitions and they are being disposed of by a common judgment. Counsel submits that the petitioners and two others got allotment of toddy shops in Group Nos.1 and II and they are being conducted without any obstruction for a few months. Petitioners are aggrieved by the oral direction and forcible closing down of the shops. It is stated that it is done as per the directions of the Government. Even though petitioners have submitted representation for getting copy of the written order, which led to the closure of the shop or permit the petitioners to conduct the shop in terms of Ext.P1 license or return the rental and other statutory liabilities, there is no response. Petitioners rely on Ext.P5 judgment of a learned Single Judge.

2. I heard learned Government Pleader also.

3. I feel that the petitioners also should be given essentially the benefit of the judgment relied on by them.

Accordingly the writ petition is disposed of directing that the running of the toddy shops in question by the petitioners shall not be interfered with without issuing an order in writing and unless there is a legal warrant for it.

(K.M. JOSEPH, JUDGE)

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